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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,036	09/26/2001	John Joseph Mazzitelli	10015525-1	9901

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EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,036

Applicant(s)

MAZZITELLI, JOHN JOSEPH

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/22/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## Detailed Action

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 USC 102(e) as being anticipated by Yepishin et al., (PG Pub 20030080994).
3. Regarding claim 1, Yepishin teaches a method for managing state data, comprising:
  - identifying state data from a response structured using an Internet communications protocol to be delivered to a uniquely identifiable client enabled to communicate using the Internet communications protocol (Yepishin, p.1, [0015], I. 1-3, p.4, [0087], I.2-4);
  - associating the state data with the client (Yepishin, p.4, [0087], I.5-8);
  - storing the state data in a data storage area remote from the client (Yepishin, p.8, [0164], I.4-5, I.8-10, p.8, [0166], I.10-14) ; and
  - delivering the response to the client (Yepishin, p.8, [0159], I.1-4).
4. Regarding claim 2, Yepishin further discloses the method of claim 1, further

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comprising:

- receiving a request structured using the Internet communications protocol from the client (Yepishin , p1, [0004], l. 4-6);
- identifying a client ID of the client (Yepishin, p.9, [0176], p.11, [0203],l.9-20);
- modifying the request by adding the state data from the data storage area to the request; and sending the modified request to a web server (Yepishin, p.4, [0090], l.1-6, p.7, [0151]).

5. Regarding claim 3, Yepishin further discloses the method of claim 2, further comprising:

- determining whether the client ID is recognized (Yepishin, p.9, [0176]); and
- modifying the request by adding the state data from the data storage area to the request if the client ID is recognized (Yepishin, p.9, [0181]) .

6. Regarding claim 4, Yepishin further discloses the method of claim 1, wherein the client is a wireless device (Yepishin, p.4, [0092], l.6-9).

7. Regarding claim 5, Yepishin further discloses the method of claim 4, wherein the client utilizes one of the protocols from the group consisting of a wireless application protocol and a HyperText Transfer protocol (Yepishin, p. 5, [0094], l.26-33, [0104]).

8. Regarding claim 6, Yepishin further discloses the method of claim 1, wherein the data storage area comprises a database (Yepishin, p.9, [0176],l.1-3).

9. Regarding claim 7, Yepishin further discloses the method of claim 1, further comprising associating the state data with the client using a database (Yepishin, p.9, [0183]).
10. Regarding claims 8-12, have similar limitations as claims 1-5.  
Therefore, claims 8-12 are rejected for the same reasons set forth in the rejection of claims 1-5.
11. Regarding claim 13, Yepishin further discloses the method of claim 8, wherein the application comprises at least one class implemented in the JAVA language (Yepishin, p.5, [0105]).
12. Regarding claims 14-15, have similar limitations as claims 6-7.  
Therefore, claims 14-15 are rejected for the same reasons set forth in the rejection of claims 6-7.
13. Regarding claims 16-22, have similar limitations as claims 1-7.  
Therefore, claims 16-22 are rejected for the same reasons set forth in the rejection of claims 1-7.
14. Regarding claim 23, Yepishin further discloses the application of claim 16, wherein the application software comprises one of a plurality of receivers in the server, the receivers each operable to receive and transfer message using a unique protocol (Yepishin, p.10, [0191], I.1-12).

***Response to Remarks***

Examiner agrees to change the incorrect reference cited number to US PG PUB No. 2003/0080994.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Farber et al., (Patent No. 6654807) Internet Content Delivery Network.
- Gupta et al., (Patent No. 6487538) Method And Apparatus For Local Advertising.
- Kloba et al., (Patent No. 6341316) System, Method and Computer Program Product For Synchronizing Content Between A Server and A Client Based On State Information.
- IEEE – Mourad et al., "Scalable Web Server Architectures", Proceedings IEEE Symposium on Computers and Communications, Jul. 1, 1997, pp.12-16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/20/04  
KYL

  
BEATRIZ PRIETO  
PRIMARY EXAMINER